

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on September 26, 2006

PATENT
Attorney Docket No.: 082368-007500US
Client Reference No.: ONC-A0306P2-US

TOWNSEND and TOWNSEND and CREW LLP

By: /Aaron Hokamura/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yusuke NAKAMURA et al.

Application No.: 10/573,297

Int'l Application No.: PCT/JP04/14438

Int'l Filing Date: September 24, 2004

For: METHOD OF DIAGNOSING
BREAST CANCER

Confirmation No.:

Examiner:

Art Unit:

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of references AD-AM are provided. Copies of US Patents and Patent Publications, references AA-AC are not enclosed in compliance with the provisions of 37 CFR §1.98(a)(2). It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

/Kevin Bastian/

Kevin Bastian
Reg. No. 34,774

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
KLB:ath
60677796 v1

| | | | |
|---|------|--------------------------|--------------------|
| Substitute for form 1449A/PTO | | Complete if Known | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | Application Number | 10/573,297 |
| | | Filing Date | September 24, 2004 |
| | | First Named Inventor | Nakamura, Yusuke |
| | | Art Unit | |
| | | Examiner Name | |
| Sheet 1 | of 2 | Attorney Docket Number | 082368-007500US |

| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|----------|-----------------|-----------------------------|---|---|
| Examiner Initials* | Cite No. | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | AA | 6,365,358 B1 | 04-02-2002 | Hillman et al. | |
| | AB | 2003/0157544 A1 | 08-21-2003 | Gish et al. | |
| | AC | 2003/0104418 A1 | 06-05-2003 | Zhang et al. | |

| FOREIGN PATENT DOCUMENTS | | | | | | | | |
|--------------------------|----------|---------------------------|---------------------|-----------------------------------|-----------------------------|---|---|--------------------------|
| Examiner Initials* | Cite No. | Foreign Patent Document | | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | † |
| | | Country Code ² | Number ¹ | Kind Code ³ (if known) | | | | |
| | AD | WO | 02/04514 | A2 | 01-17-2002 | Conixa Corporation | | <input type="checkbox"/> |

| | |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached

60877795 v1

| | | | |
|--|---|--------------------------|--------------------|
| Substitute for form 1449B/PTO | | Complete if Known | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | Application Number | 10/573,297 |
| | | Filing Date | September 24, 2004 |
| | | First Named Inventor | Nakamura, Yusuke |
| | | Art Unit | |
| | | Examiner Name | |
| (Use as many sheets as necessary) | | Attorney Docket Number | 062368-007500US |
| Sheet | 2 | of | 2 |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|-----------------------|---|--------------------------|
| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | AE | ADAM, Paul J. et al.; "Arylamine N-acetyltransferase-1 is highly expressed in breast cancers and conveys enhanced growth and resistance to etoposide <i>in vitro</i> "; <u>Molecular Cancer Research</u> 1:826-835 (September 2003) | <input type="checkbox"/> |
| | AF | DRESSMAN, Marlene A. et al.; "Gene expression in profiling detects gene amplification and differentiates tumor types in breast cancer"; <u>Cancer Research</u> 63:2194-2199 (May 1, 2003) | <input type="checkbox"/> |
| | AG | GEYLAN, Y.S. et al.; "Arylamine N-acetyltransferase activities in human breast cancer tissues"; <u>Neoplasma</u> 48(2):108-111 (2001) | <input type="checkbox"/> |
| | AH | LIPKOWITZ, Stan; "The role of ubiquitination-proteasome pathway in breast cancer: Ubiquitin mediated degradation of growth factor receptors in the pathogenesis and treatment of cancer"; <u>Breast Cancer Research</u> 5(1):8-15 (2003) | <input type="checkbox"/> |
| | AI | ORLOWSKI, Robert Z. and E. Claire Dees; "The role of ubiquitination-proteasome pathway in breast cancer: Applying drugs that affect the ubiquitin-proteasome pathway to the therapy of breast cancer"; <u>Breast Cancer Research</u> 5(1):1-7 (2003) | <input type="checkbox"/> |
| | AJ | PEROU, Charles M. et al.; "Molecular portraits of human breast tumors"; <u>Nature</u> 406:747-752 (August 17, 2000) | <input type="checkbox"/> |
| | AK | SGROI, Dennis C. et al.; "In vivo gene expression profile analysis of human breast cancer progression"; <u>Cancer Research</u> 59:5656-5661 (November 15, 1999) | <input type="checkbox"/> |
| | AL | DATABASE; EBI Accession No. AX369194; "Sequence from patent WO0204514"; February 15, 2002 | <input type="checkbox"/> |
| | AM | DATABASE EBI Accession No. AAM56211; "Sequence 1 from patent US 6365358" June 20, 2002 | <input type="checkbox"/> |

| | |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

* EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.